

Congress of the United States

Washington, DC 20515

January 11, 2024

The Honorable M. Camille Calimlim Touton
Commissioner
United States Bureau of Reclamation
1849 C Street NW
Washington, DC 20240-0001

Re: Deny Request from DWR to Join as a Co-Petitioner for a Change in Point of Diversion for the Delta Conveyance Project

Dear Commissioner Touton,

We write to urge the Bureau of Reclamation (Reclamation) to reject the California Department of Water Resources' request that Reclamation join as a co-petitioner in support of a request before the California State Water Resources Control Board for a change in water rights, including a change in the point of diversion, to enable the construction of up to three large new intakes on the Sacramento River for the State's proposed Delta Conveyance Project, more commonly known as the Delta tunnel.

As you know, the Sacramento-San Joaquin Delta is the largest freshwater tidal estuary on the West Coast supporting California fisheries, thousands of acres of farmland, and the livelihoods of millions living in the region. As proposed, this misguided project would permanently alter and irreparably damage the Delta landscape and waterways. The tunnel would threaten family farms and agricultural operations, tribal cultural resources, and imperil the fragile Delta ecosystem and surrounding communities. The construction phase alone, spanning over 13 years, will be highly disruptive, and the long-term operational impacts, which are not analyzed in the U.S. Army Corps of Engineers' draft Environmental Impact Statement (EIS) on the Delta tunnel, are of deep concern. Region IX of the U.S. Environmental Protection Agency (EPA) expressed concerns in March 2023, stating the Delta tunnel would have, unless mitigated, "substantial and unacceptable impacts" on the Delta, "an aquatic resource of national importance."

In 2019, the State of California terminated a highly contested water rights process for the predecessor project, known as the California WaterFix or Delta twin tunnels, after several years of joint effort with Reclamation. This time, Central Valley Project water users have not expressed a united interest in participating in the project due to the very high risks and costs associated with the construction and operation of the single tunnel. For all the reasons stated above, we strongly discourage Reclamation from joining as a supporter of this controversial project in any way, particularly before the U.S. Army Corps of Engineers completes a review of the full environmental consequences of the construction and operation of the proposed Delta tunnel as required by the National Environmental Policy Act and federal Clean Water Act.

Thank you for your leadership and considering our concerns. We look forward to hearing from you as you consider this important matter.

Sincerely,



Josh Harder
Member of Congress



John Garamendi
Member of Congress



Mike Thompson
Member of Congress



Mark DeSaulnier
Member of Congress



Doris Matsui
Member of Congress